

REMARKS

1. Declaration

A substitute Declaration was filed August 19, 2003. Applicants request that the Examiner acknowledge the acceptability of the substitute Declaration.

2. Claim Rejections

Claims 1 – 6, 10 – 13, and 15 – 24 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. No. 5,057,677 (“Bertagna”) in view of U.S. Pat. No. 6,003,008 (“Postrel”); Claims 7 – 9 stand rejected under 35 U.S.C. §103(a) as unpatentable over Bertagna and Postrel further in view of U.S. Pat. No. 5,367,452 (“Gallery”); and Claim 14 stands rejected under 35 U.S.C. §103(a) as unpatentable over Bertagna and Postrel further in view of U.S. Pat. No. 5,873,069 (“Reuhl”).

The claim rejections are respectfully traversed. The Office Action fails to establish a *prima facie* case under §103 for any of the claims. Such a *prima facie* case requires, *inter alia*, that all of the claim limitations be taught or suggested in the cited references and that there be some suggestion or motivation to combine reference teachings as suggested. MPEP 2143. The claim rejections are deficient in at least both these respects.

The Office Action acknowledges that there is no disclosure in Bertagna of the claim limitations directed to the security drawer (Office Action, p. 5), relying on Postrel for this disclosure. There appear to be a number of errors in the citations to Postrel so that the basis for the rejection is unclear. For example, the Office Action cites reference numeral 30 as corresponding to a currency security drawer, but reference numeral 30 refers to a side wall of a bill-dispensing unit (*see* Postrel, Col. 3, l. 12), which is clearly not a drawer. The Office Action also cites Col. 15, ll. 10 – 15 of Postrel as showing the security drawer being removably mounted, but Postrel runs only to 8 columns so the citation is clearly erroneous. The Office

Action also cites Fig. 3 of Postrel as showing a drawer having locked and unlocked positions in a point-of-sale cart, but Fig. 3 is merely an exploded perspective view of the currency storage and dispensing apparatus shown in Fig. 1 without any clear indication of locked and unlocked positions. Applicants accordingly request that the intended correspondence be set forth with the detail required by 37 C.F.R. §1.104(c)(2) so that the basis for the rejections may be fully considered.

As Applicants can best discern, the Office Action is attempting to draw the following correspondence between the claim elements and Postrel: (1) identifying the security drawer recited in the claim with the bill-dispensing unit (20) of Postrel; (2) identifying the security drawer assembly recited in the claim with the dispenser unit (102a – 102h) of Postrel; and (3) identifying the service cart recited in the claim with the currency drawer (100). Such a position is, however, completely untenable. In particular, while claim terms are to be construed broadly during examination, such constructions must be reasonable and consistent with the interpretation that would be reached by those of skill in the art. MPEP 2111. The bill-dispensing unit of Postrel simply cannot reasonably be equated with a security “drawer.” A “drawer” is commonly recognized as a horizontal compartment that may be drawn in and out of a structure in gaining access, as evidenced by the definition reproduced from Random House Webster’s College Dictionary (Random House 1997), p. 397 in Exhibit 1. The bill-dispensing unit of Postrel is configured as a vertical pivoting structure that is completely unlike a “drawer” as that term would be understood to those of skill in the art. Similarly, the currency drawer of Postrel cannot reasonably be read as corresponding to a service cart that is stowable on an aircraft and moveable through the cabin of an aircraft as the claims require. The currency drawer disclosed in Postrel is simply not configured with such a capability and the Office Action fails to cite any evidence of such a capability.

A correspondence is perhaps more naturally attempted between the currency drawer of Postrel and the security drawer recited in the claims. Even with such a correspondence, though, it is plainly evident that there is no disclosure in Postrel of the claim limitations of mounting the currency drawer in a service cart stowable on and moveable through

the cabin of an aircraft. In addition, there is no disclosure of the security drawer being part of a removable security drawer assembly that cannot be removed when the security drawer is in the locked position. Since these claim elements are not disclosed in any of the cited art, no *prima facie* case has been established.

Furthermore, the Office Action fails to establish the required motivation to combine the teachings of Bertagna with those of Postrel, offering only the hindsight observation that “a security drawer protects currency from theft” (Office Action, p. 5). This is far short of the requirement that “[t]he teaching or suggestion to make the claimed combination … must … be found in the prior art, not in applicant’s disclosure.” MPEP 2143. Bertagna is directed to a system for controlling and accounting for inventories in merchandise sales transactions (Bertagna, Col. 1, ll. 62 – 68) while Postrel is directed to a modified currency till (Postrel, Col. 2, ll. 8 – 13). The Office Action conspicuously fails to point to any articulated suggestion or motivation to combine the merchandise-control system of Bertagna with the modified till of Postrel drawn from either of those references or from knowledge generally available at the time of the invention. This absence suggests that Official Notice is instead being relied on to supply the motivation, in which case Applicants traverse such basis and request a showing of documentary proof. MPEP 2144.03.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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Examining Group

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